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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/674,680
Filing Date: September 29, 2003
Appellant(s): Michael Gabriel

Aaron Grunberger
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on August 18, 2009 appealing from the

Office action mailed March 17, 2009.

(1)   Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5)   Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6)   Grounds of Rejections to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7)   Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is

correct.

(8)   Evidence Relied Upon

2003/0208767	Williamson et al.,	11-2003
2004/0003097	Willis et al.,	1-2004
2002/0154157	Sherr et al.,	10-2002
2002/0078382	Sheikh et al.,	6-2002

(9)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claim 1-25, 27, and 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Williamson et al. (hereinafter "Williamson", U.S. Patent Application

Publication Number 2003/0208767) in view of Willis et al., (hereinafter "Willis", U.S.

Patent Application Publication Number 2004/0003097).

As per claim 1, Williamson is directed to a computer-implemented method for

searching for media content (Williamson, Paragraph 0135-0137) and teaches the

limitations:

"receiving by a preprocessor and from a user profile which

identifies preferred media distribution sources" (Williamson, Paragraph

0102, i.e., *Referring to FIG. 16, a user may create a new profile by using select key 960*

*of remote control 900 to select the "Create New **Profile**" link from Favorites submenu*

1420 to display search parameters from which a user may choose (1450). These

parameters may include programming category, actor(s) name, program title, director,

keyword and the like; Williamson, Paragraph 0102, i.e., *Similarly, a user may create a*

***profile** which provides a user access to all available programming on a certain topic.*

*For example **a profile relating to cooking may include in-progress broadcasts,***

past broadcasts and out-of-market cooking programs. In such circumstances, the

user may associate a descriptive name to the profile (such as "Weekend Programs",

"My Cooking Stations", etc.) and access each of the multiple profiles at different times;

and Williamson, Paragraph 0084, i.e., .. *My Shows GUI 1100B lists several categories*

to assist a user in locating a program through the My Shows feature. Some of these

categories may be temporal in nature; that is, a user's reserved programs may be

categorized by those programs that are in-progress (i.e., currently broadcast), upcoming

(i.e., to be broadcast in the future) or by the reservation date of the program. In one

embodiment of the invention, programs that are categorized by reservation date are

listed in chronological order beginning with shows that have been most recently

reserved (1100C) or in reverse chronological order);

"receiving by the processor a search request from a user

including at least one search criteria" (Williamson, Paragraph 0099, i.e.,

Through the user interface, **users can then search program data** *for content that*

matches the criteria in a user's profile and return the results to the user's lists of Favorite

programs and 0135-0157 , i.e. **A search may include one of these parameters or**

multiple parameters);

"searching by a processor (a plurality of media distribution source types**)**

for media content based on the at least one search criteria and the

user profile" (Williamson, Paragraph 0084, i.e., *"A **My Shows** GUI provides **a user***

with a list of available programs that have been reserved by the user. In the case where

*multiple users in a household are served by a set-top terminal, **each user** may utilize*

*the My Shows GUI to create **his/her own list** of reserved programs. Referring to FIG.*

13, when a user reserves a program, the reserved program are listed in the "My Shows"

GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, the My

*Shows GUI **enables a user to find, sort and manage programs**, including reserved*

programs (i.e., programs that have already been reserved and are currently available

for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but

have yet to be broadcast) and recommended programs (i.e., programs that the system

reserves automatically based on user profile)" and see also Paragraph 0099, and

Paragraph 0102 and 0135-0157 of Williamson) ;

"a schedule including schedule information regarding the media

content" (Williamson, Figures 12, 13, and 14, and Paragraph 0079, i.e., *For example,*

by pressing guide key 920 on remote control 900 while viewing a program channel

display 1010 in FIG. 12 (which may be a live or played back TV show, movie, music

*video, service or the like), **a user may access interactive program guide 1020, which***

includes program viewing window 1040, current time and channel indicator 1045,

program description box 1050, program grid 1060 and menu display 1065) and

"displaying the schedule to the user" ((Williamson, Figures 12, 13, and 14,

and Paragraph 0079).

Williamson does not explicitly teach the limitations: "a plurality of distribution

source types" and "generating, from results of the searching, (a schedule including

scheduling information regarding the media content)". Note that the limitation in the

parenthesis is taught by Williamson in Paragraph 0079 and Figures 12, 13, and 14).

On the other hand, Willis teaches the limitations:

"a plurality of distribution source types" (Willis, Paragraph 0003, i.e.,

Such sites are generally known as "portals," and provide a central gateway through

which users can be presented with options and links to various information sources. In

this way, users can check, for example, their **stocks, mail, local weather, sports**

scores, and movie listings; Paragraph 0015, i.e., *In another implementation, a system*

combines the concepts of the portal and personalized content with other delivery

channels, such as, for example, telephone, radio, and television; Paragraph 0088, i.e.,

Articles may be, for example, text, video, audio, HTML, or another available rendering

medium, or a combination of two or more of these media. Articles may contain the same

piece of content in multiple forms, and may permit generation of one type of content

from another, as discussed below; and Paragraph 0094, i.e., *One type of router that is*

capable of performing the functionality of content-based router 130 is known as Elvin

and is produced by the Distributed Systems Technology Centre (DSTC). Other types of

content-based services include Gryphon, produced by International Business Machines

(IBM), and Keryx, a Java-notification service by Hewlett Packard); and

"generating, from results of the searching, (a schedule including

scheduling information regarding the media content)" (Willis, Paragraph

0085, i.e., *FIG. 1 is an example of a content presentation system including a system*

100. In FIG. 1, external information from an external information source 105 is received

by a content generator 110, which generates a corresponding article. Many types of

external information sources 105 may be used, as will be discussed in more detail with

respect to FIG. 2. Also, content generator 110 may utilize various techniques for

gathering and publishing the information as discrete articles. For example, **content**

generator 110 may utilize software agents to gather appropriate information

(agents are generally defined as automatons running "on a scheduled basis" and

querying a data source for information and either producing or not producing

content based in part on the result of that query*). Moreover, in other*

implementations, content generator 110 may be included within system 100; Willis

Paragraph 0089, i.e., *In FIG. 1, then, an article reader 115 accesses articles from*

content generator 110. Some articles may already include attribute and content

metadata information. If a particular article has no associated metadata, **a metadata**

enhancer 120 may be used to examine the content of the article and generate

metadata accordingly. *Even if some information, such as attribute information, is*

included with an article, metadata enhancer 120 may be used to further enhance the

article; Willis Paragraph 0096, i.e., *By accessing databases 135 and 140, content-based*

router 130 is able **to filter articles which are restricted or are of no interest with**

respect to a particular user*. The action of content-based router 130 thus eases the*

burden on **a personalized article processor ("PAP") 145,** *which has the job of*

individually prioritizing the remaining articles, based on a comparison of contents of the

user preference database 140 to the content and to the content metadata/attributes of

each article. See also Willis paragraph 0107 and Paragraphs 0129, 0262, and 0278.

Also see Paragraph 0110 of Willis, i.e., **a pool of articles from which a subset for**

each user will be drawn).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to modify the method of Williamson to combine with the features

of searching a plurality of media distribution source types and searching results on

periodic basis, as taught by Willis, so that the combined method would comprise

searching a plurality of media distribution source types for media content on periodic

basis and generate, from results of the searching, a schedule including scheduling

information regarding the media content. One would have been motivated to do so in

order to allow users to designate categories of information in which desired content may

be presented (Willis, Paragraph 0003).

As per claim 2, Williamson in view of Willis teaches the limitation:

"wherein the media content includes at least one of a video,

audio, a still image, printed material, text, a movie, and a television

program" (Williamson, Paragraphs 0039 and 0066).

As per claim 3, Williamson in view of Willis teaches the limitation:

"wherein the information regarding the media content includes

availability information that indicates availability of media content,

which meets the at least one search criteria, from at least one of the

preferred media sources" (Williamson, Paragraph 0084, i.e. .... *upcoming*

programs (i.e. programs that are scheduled to be reserved but has yet to be broadcast)

and recommended programs... and Willis Paragraphs 0003, 0088, and 0094).

As per claim 4, Williamson in view of Willis teaches the limitation:

"wherein the availability information includes at least two of

movie theater show time data, television broadcast data, and retail

data" (Williamson, Paragraph 0084, i.e. .... *upcoming programs* (i.e. programs that are

scheduled to be reserved but has yet to be broadcast) *and recommended programs...*;

Paragraph 0086 , i.e. .... *upcoming* (i.e. to be broadcast in the future) *or by the*

reservation date of the program; and Paragraph 0088, i.e., *broadcast time for current*

*and future reserved programs, rating (such as G, PG-13 and R....*and Willis Paragraph

0003, i.e., *In this way, users can check, for example, their stocks, mail, local weather,*

*sports scores, and **movie listings**).

As per claim 5, Williamson in view of Willis teaches the limitation:

"wherein the search for media content is performed on at least

one database" (Williamson, Figure 1: Library Manager 113, ; Paragraph 0048, i.e.

...forwards the same to library manager 113 for long-term storage; and Paragraph

0039, i.e., *database services*).

As per claim 6, Williamson in view of Willis teaches the limitation:

"**wherein the user profile includes at least one of a zip code and a television provider data**" (Williamson, Paragraph 0150, i.e. ... *having specified zip codes*).

As per claim 7, Williamson in view of Willis teaches the limitation:

"**providing online purchase capabilities such that the user is able to purchase at least one of the media content, tickets to view or hear the media content, and merchandise related to the media content**" (Williamson, Paragraph 0127-0128, i.e. ....*including Add Video to Shopping Cart 3321, Buy CD 3322, Buy Video 3323, Concert Information 3324, MP3 Download 3325 and Photos 3326*).

As per claim 8, Williamson in view of Willis teaches the limitation:

"**wherein the plurality of media distribution source types includes at least two of: i) at least one movie theater source type, ii) a local cable TV or satellite TV provider source type, iii) preferred online retailer source type**" (Williamson, Paragraph 0039, i.e., *Headend 105 receives programs and services from various providers and sources, e.g., analog and digital satellite sources, application servers, media servers, the Internet etc.*; and Willis Paragraph 0003, i.e., *In this way, users can check, for example, their stocks, mail, local weather, sports scores, and **movie listings***).

As per claim 9, Williamson in view of Willis teaches the limitation:

"wherein the search criteria includes at least one of title data,

cast member data, and director data" (Williamson, Paragraph 0102, i.e.,

These parameters may include programming category, actor(s) names, program title,

director, keyword and the like).

As per claim 10, Williamson in view of Willis teaches the limitation:

"wherein the information regarding the media content is

displayed on at least one of: i) a display associated with a set-top box,

ii) a display of a computer arrangement, a TV, a wireless device, and a

cell phone" (Williamson, Figures 12-16, Paragraph 0070, and Paragraph 0095).

As per claim 11, Williamson in view of Willis teaches the limitation:

"notifying the user in the future when the media content

becomes available from at least one of the preferred media

distribution sources, if the media content is not currently available

from the at least one of the preferred media distribution sources"

(Williamson, Paragraph 0150-0153, "Messaging Service" and Willis Paragraphs 0003,

0088, and 0094).

As per claim 12, Williamson in view of Willis teaches the limitation:

"notifying the user in the future when the media content becomes available from at least one non-preferred media distribution source" (Williamson, Paragraph 0150-0153, i.e., *Messaging Service* and Paragraph 0139-0148, i.e., *Commercial Targeting and Playback Monitoring;* and Willis Paragraphs 0003, 0088, and 0094).

As per claim 13, Williamson in view of Willis teaches the limitation:

"wherein the user is notified via at least one of email, instant message, and postal mail" (Williamson, Paragraph 0150-0153, i.e., *Messaging Service*).

As per claim 14, Williamson in view of Willis teaches the limitation:

"periodically searching for the availability information related to at least one of the preferred media distribution sources if the media content is not currently available from the at least one of the preferred media distribution sources" (Williamson, Paragraph 0084, i.e. *...recommended programs* (i.e., programs that the system reserves automatically based on user profile..; and Willis Paragraphs 0003, 0085, 0088, and 0094).

As per claim 15, Williamson in view of Willis teaches the limitation:

"requesting a user notification of when the media content

becomes available from at least one preferred media distribution

source, if the media content is not currently available from the at least

one preferred media distribution source" (Williamson, Paragraph 0151, i.e.,

The subscriber content level; and Willis Paragraphs 0003, 0088, and 0094).

As per claim 16, Williamson in view of Willis teaches the limitations:

"determining by a processor an availability of the media content

from a plurality of media distribution sources that are selected" (Willis,

Paragraph 0003, i.e., *Such sites are generally known as "**portals**," and provide a central*

gateway through which users can be presented with options and links to various

*information sources. In this way, **users can check**, for example, their **stocks, mail,***

local weather, sports scores, and movie listings; Paragraph 0015, i.e., *In another*

implementation, a system combines the concepts of the portal and personalized content

with other delivery channels, such as, for example, telephone, radio, and television;

Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another*

available rendering medium, or a combination of two or more of these media. Articles

may contain the same piece of content in multiple forms, and may permit generation of

one type of content from another, as discussed below; and Paragraph 0094, i.e., *One*

type of router that is capable of performing the functionality of content-based router 130

is known as Elvin and is produced by the Distributed Systems Technology Centre

(DSTC). Other types of content-based services include Gryphon, produced by

International Business Machines (IBM), and Keryx, a Java-notification service by

Hewlett Packard); Willis, Paragraph 0085, i.e., *FIG. 1 is an example of a content*

presentation system including a system 100. **In FIG. 1, external information from an**

external information source 105 is received by a content generator 110, which

generates a corresponding article. *Many types of external information sources 105*

may be used, as will be discussed in more detail with respect to FIG. 2. Also, content

generator 110 may utilize various techniques for **gathering and publishing the**

information as discrete articles. *For example, content generator 110 may utilize*

software agents to gather appropriate information (agents are generally defined as

automatons running "on a scheduled basis" and querying a data source for information

and **either producing or not producing** *content based in part on the result of that*

query) **"in accordance with at least one user selection interpreted**

based on a user-profile, the plurality of media distribution sources

including different types of media distribution sources" (Williamson,

Paragraph 0084, i.e., *My Shows GUI provides a user with a list of available programs*

that have been reserved by the user. In the case where multiple users in a household

are served by a set-top terminal, each user may utilize the My Shows GUI to create

his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a

program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C)

accessible from Home GUI 1030. In one embodiment, **the My Shows GUI enables a**

user to find, sort and manage programs, including reserved programs *(i.e.,*

programs that have already been reserved and are currently available for viewing),

upcoming programs (i.e., programs that are scheduled to be reserved but have yet to be

broadcast) and recommended programs (i.e., programs that the system reserves

*automatically **based on user profile**);* Williamson, Paragraph 0099, i.e., s *multiple*

*users in a household may establish **one or more personal profiles** that enables users*

*to sort content and channels by **the user's personal content preferences**);*

"generating, by a processor and based on determination, a

schedule including information regarding the availability of the media

content from the plurality of media distribution sources" (Willis

Paragraph 0003 and 0085 in view of Williamson Paragraph 0084 and figures 12-16);

and

"displaying the schedule on a single page" (Williamson Figures 12-

16; and Willis Paragraphs 0003, 0088, and 0094).

As per claim 17, Williamson in view of Willis teaches the limitation:

"allowing a user to request, from the single page, notification in

the future when the media content becomes available from at least

one of the media distribution sources, if the media content is not

currently available from the at least one of the media distribution

sources" (Williamson, Figures 12-16 and Paragraph 0151, i.e. *....those users who*

request baseball programs frequently may be grouped as baseball fan-users. Thus the

messaging service in question may *from time to time provide targeted messages*

concerning baseball games, equipment, etc. to such baseball fan-users. In addition,

the messaging service may provide personal messages to a user, including messages

concerning the user's account, an expiration of the user's reserved program, etc.; and

Willis Paragraphs 0003, 0088, and 0094).

Claim 18 is essentially the same as claim 1 except that it set forth the claimed

invention as a system rather than a method for searching for media content and

rejected for the same reasons as applied hereinabove. Williamson teaches "a

processor" (Williamson Figure 1, i.e., *A/S Processor 109;*) and "*at least one computing*

arrangement configured to communicate with the processor via a communications

networks" (Williamson, paragraphs 0038-0039). Also note paragraph 0094-0095 of

Willis for "communications networks".

Claim 19 is essentially the same as claim 1 except that it set forth the claimed

invention as a hardware-implemented apparatus rather than a method for searching for

media content and rejected for the same reasons as applied hereinabove.

As per claim 20, Williamson in view of Willis teaches the limitations:

"interpreting at least a portion of the at least one search criteria

in accordance with user profile" (Williamson, Paragraph 0101, i.e., *If the user*

wants to find a program that meets the parameters of the user's existing Favorite profile,

the "Find Favorite Shows" feature is selected from the Favorites submenu 1420 ; and

Figure 15: *Continue to narrow search until one or two criteria have been established,*

e.g., Actor's name + category; Williamson, Paragraph 0084, i.e., *My Shows GUI*

provides a user with a list of available programs that have been reserved by the user. In

the case where multiple users in a household are served by a set-top terminal, each

user may utilize the My Shows GUI to create his/her own list of reserved programs.

Referring to FIG. 13, when a user reserves a program, the reserved program are listed

in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one

*embodiment, **the My Shows GUI enables a user to find, sort and manage***

***programs, including reserved programs** (i.e., programs that have already been*

reserved and are currently available for viewing), upcoming programs (i.e., programs

that are scheduled to be reserved but have yet to be broadcast) and recommended

*programs (i.e., programs that the system reserves automatically **based on user***

***profile**);* Williamson, Paragraph 0099, i.e., s *multiple users in a household may*

*establish **one or more personal profiles** that enables users to sort content and*

*channels by **the user's personal content preferences**)* and

"where the searching is based, at least in part on interpreting"

(Williamson, Paragraph 0101 and Figure 15; Note that any search involves interpreting

search criteria; Williamson, Paragraph 0084, i.e., *My Shows GUI provides a user with a*

list of available programs that have been reserved by the user. In the case where

multiple users in a household are served by a set-top terminal, each user may utilize the

My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13,

when a user reserves a program, the reserved program are listed in the "My Shows"

*GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, **the My***

Shows GUI enables a user to find, sort and manage programs, including reserved

***programs** (i.e., programs that have already been reserved and are currently available*

for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but

have yet to be broadcast) and recommended programs (i.e., programs that the system

*reserves automatically **based on user profile**); Williamson, Paragraph 0099, i.e., s*

*multiple users in a household may establish **one or more personal profiles** that*

*enables users to sort content and channels by **the user's personal content***

***preferences**).*

Claim 21 is essentially the same as claim 20 except that it set forth the claimed

invention as a system rather than a method for searching for media content and

rejected for the same reasons as applied hereinabove.

Claim 22 is essentially the same as claim 20 except that it set forth the claimed

invention as a hardware-implemented apparatus rather than a method for searching for

media content and rejected for the same reasons as applied hereinabove.

As per claim 23, Williamson in view of Willis teaches the limitations:

"generating from the results of the searching an intermediate result page including a plurality of media content titles of the results"

(Willis, Paragraph 0125, i.e., *FIG. 8 demonstrates an example of **an HTML result page** 800 that includes article 700. Page 800 is generally organized like a newspaper front page, having a headline 805 (which in this case indicates the enterprise sponsoring the page). A main story 810, corresponding to article 700, is shown in the upper middle portion of the page. A section 815 shows current levels of the Dow Jones, NASDAQ, and S&P 500. The rest of page 800 includes additional hypothetical articles not previously described;* Willis' HTML result page maps to the *intermediate result page* of the claimed invention);

"wherein the schedule is generated" (Williamson, Figures 12, 13, and 14, and Paragraph 0079, i.e., *For example, by pressing guide key 920 on remote control 900 while viewing a program channel display 1010 in FIG. 12 (which may be a live or played back TV show, movie, music video, service or the like), a user may access interactive program guide 1020, **which includes program viewing window 1040, current time and channel indicator 1045**, program description box 1050, program grid 1060 and menu display 1065)* **"responsive to a selection of one of the titles of the intermediate results page"** (Willis, Paragraph 0126, i.e.,

*The filtering, sorting, prioritizing, and paginating processes already described determine whether an article is displayed in full size (for example, article 700 in section 810), **simply as a link (for example, links within sections 820, 825, 830, 835, 840, and***

850, which are shown grouped together with similar articles), with a "more" link

(not shown) that does not include any details but allows access to additional

articles) and "includes scheduling exclusively regarding the selected title" (Williamson,

Paragraph 0099, i.e., *Through the user interface, users can then search program data*

for content that matches the criteria in a user's profile and return the results to the user's

lists of Favorite programs). Note that in the method of Williamson in view of Willis as a

combination, a user can select a title (Williamson) from the intermediate result page

(Willis) which includes links which could be selected to access more results, that is,

generate schedule (s) (as taught by Williamson**) "and pertaining to multiple**

ones of the plurality of media distribution source types" (Willis,

Paragraph 0003, i.e., *Such sites are generally known as "**portals,**" and provide a central*

gateway through which users can be presented with options and links to various

*information sources. In this way, users can check, for example, their **stocks, mail, local***

weather, sports scores, and movie listings; Paragraph 0015, i.e., *In another*

implementation, a system combines the concepts of the portal and personalized content

with other delivery channels, such as, for example, telephone, radio, and television;

Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another*

available rendering medium, or a combination of two or more of these media. Articles

may contain the same piece of content in multiple forms, and may permit generation of

one type of content from another, as discussed below; and Paragraph 0094, i.e., *One*

type of router that is capable of performing the functionality of content-based router 130

is known as Elvin and is produced by the Distributed Systems Technology Centre

(DSTC). Other types of content-based services include Gryphon, produced by

International Business Machines (IBM), and Keryx, a Java-notification service by

Hewlett Packard).

As per claim 24, Williamson in view of Willis teaches the limitations:

"wherein the searching is exclusively within content provided by

the preferred media distribution sources" (Williamson, Paragraph 0099, i.e.,

Through the user interface, users can then search program data for content that

matches the criteria in a user's profile and return the results to the user's lists of Favorite

programs and 0135-0157 , i.e. *A search may include one of these parameters or*

multiple parameters; Paragraph 0102, i.e., *Similarly, a user may create a profile which*

provides a user access to all available programming on a certain topic. For example a

profile relating to cooking may include in-progress broadcasts, past broadcasts and out-

of-market cooking programs. In such circumstances, the user may associate a

descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations",

etc.) and "is for media content that satisfies the search criteria" (Williamson, Paragraph

0099, i.e., *Through the user interface, users can then search program data for content*

that matches the criteria in a user's profile and return the results to the user's lists of

Favorite programs).

As per claim 25, Williamson in view of Willis teaches the limitations:

"the user profiles identifies, for each of a plurality of source

types, respective preferred distribute sources" (Williamson, Paragraph

0102, i.e., *Referring to FIG. 16, a user may create a new profile by using select key 960*

*of remote control 900 to select the "Create New **Profile**" link from Favorites submenu*

1420 to display search parameters from which a user may choose (1450). These

parameters may include programming category, actor(s) name, program title, director,

keyword and the like; Paragraph 0102, i.e., *Similarly, a user may create a profile which*

*provides a user access to all available programming on a certain topic. For example **a***

profile relating to cooking may include in-progress broadcasts, past broadcasts

***and out-of-market cooking programs**. In such circumstances, the user may associate*

a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations",

etc.) and access each of the multiple profiles at different times; and Paragraph 0084,

i.e., *.. My Shows GUI 1100B lists several categories to assist a user in locating a*

program through the My Shows feature. Some of these categories may be temporal in

nature; that is, a user's reserved programs may be categorized by those programs that

are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future)

or by the reservation date of the program. In one embodiment of the invention,

programs that are categorized by reservation date are listed in chronological order

beginning with shows that have been most recently reserved (1100C) or in reverse

chronological order); Willis, Paragraph 0003, i.e., *Such sites are generally known as*

"portals," and provide a central gateway through which users can be presented with

options and links to various information sources. In this way, users can check, for

*example, their **stocks, mail, local weather, sports scores, and movie listings***;

Paragraph 0015, i.e., In another implementation, a system combines the concepts of

the portal and personalized content with other delivery channels, such as, for example,

telephone, radio, and television; *Paragraph 0088, i.e., Articles may be, for example,*

text, video, audio, HTML, or another available rendering medium, or a combination of

two or more of these media. Articles may contain the same piece of content in multiple

forms, and may permit generation of one type of content from another, as discussed

below; *and Paragraph 0094, i.e., One type of router that is capable of performing the*

functionality of content-based router 130 is known as Elvin and is produced by the

Distributed Systems Technology Centre (DSTC). Other types of content-based services

include Gryphon, produced by International Business Machines (IBM), and Keryx, a

Java-notification service by Hewlett Packard);

"the search criteria includes a selection of a subset of the

source types" *(Paragraph 0084, i.e., .. My Shows GUI 1100B lists **several***

***categories** to assist a user in locating a program through the My Shows feature. Some*

*of these categories may be temporal in nature; that is, **a user's reserved programs***

***may be categorized** by those programs that **are in-progress** (i.e., currently broadcast),*

***upcoming** (i.e., to be broadcast in the future) or by the reservation date of the program.*

In one embodiment of the invention, programs that are categorized by reservation date

are listed in chronological order beginning with shows that have been most recently

reserved (1100C) or in reverse chronological order) ; and

"responsive to the search request" (Williamson, Paragraph 0099, i.e.,

Through the user interface, users can then search program data for content that

matches the criteria in a user's profile and return the results to the user's lists of Favorite

programs and 0135-0157, i.e. *A search may include one of these parameters or*

multiple parameters), **"the search is performed within content provided by**

the preferred media distribution sources of the selected subsets of

the source types" (Williamson, Paragraph 0099, i.e., *Through the user interface,*

users can then search program data for content that matches the criteria in a user's

profile and return the results to the user's lists of Favorite programs).

As per claim 27, Williamson in view of Willis teaches the limitations:

"responsive to a request for media content suggestions,

periodically" (Williamson, Paragraph 0099, i.e., *Through the user interface, users*

can then search program data for content that matches the criteria in a user's profile

and return the results to the user's lists of Favorite programs and 0135-0157, i.e. *A*

search may include one of these parameters or multiple parameters), "periodically"

(Willis, Paragraph 0085, i.e., ***"on a scheduled basis"***):

"searching, by a processor, for media content of a plurality of

media distribution source types" (Williamson, Paragraph 0099, i.e., *Through*

the user interface, users can then search program data for content that matches the

criteria in a user's profile and return the results to the user's lists of Favorite programs;

Willis, Paragraph 0003, i.e., *Such sites are generally known as "**portals**," and provide a*

central gateway through which users can be presented with options and links to various

*information sources. In this way, users can check, for example, their **stocks, mail, local***

weather, sports scores, and movie listings; Paragraph 0015, i.e., *In another*

implementation, a system combines the concepts of the portal and personalized content

with other delivery channels, such as, for example, telephone, radio, and television;

Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another*

available rendering medium, or a combination of two or more of these media. Articles

may contain the same piece of content in multiple forms, and may permit generation of

one type of content from another, as discussed below; and Paragraph 0094, i.e., *One*

type of router that is capable of performing the functionality of content-based router 130

is known as Elvin and is produced by the Distributed Systems Technology Centre

(DSTC). Other types of content-based services include Gryphon, produced by

International Business Machines (IBM), and Keryx, a Java-notification service by

Hewlett Packard), **"the searching begin in accordance with a user viewing**

history" (Williamson, Paragraph 0084, i.e., *.. My Shows GUI 1100B lists several*

categories to assist a user in locating a program through the My Shows feature. Some

of these categories may be temporal in nature; that is, a user's reserved programs may

be categorized by those programs that are in-progress (i.e., currently broadcast),

upcoming (i.e., to be broadcast in the future) or by the reservation date of the program.

In one embodiment of the invention, programs that are categorized by reservation date

are listed in chronological order beginning with shows that have been most recently

reserved (1100C) or in reverse chronological order; Williamson, Paragraph 0102, i.e.,

Similarly, a user may create a profile which provides a user access to all available

programming on a certain topic. For example a profile relating to cooking may include

in-progress broadcasts, past broadcasts and out-of-market cooking programs. In such

circumstances, the user may associate a descriptive name to the profile (such as

"Weekend Programs", "My Cooking Stations", etc.) and access each of the multiple

*profiles **at different times**);* and

"**displaying the results of the search**" (Williamson, Figures 12, 13, and

14, and Paragraph 0079).

As per claim 30, Williamson in view of Willis teaches the limitations:

"**responsive to a request for media content suggestions,**

periodically" (Williamson, Paragraph 0099, i.e., *Through the user interface, users*

can then search program data for content that matches the criteria in a user's profile

and return the results to the user's lists of Favorite programs and 0135-0157, i.e. *A*

search may include one of these parameters or multiple parameters), "periodically"

(Willis, Paragraph 0085, i.e., ***"on a scheduled basis"***);

"searching for media content of a plurality of media distribution

source types" (Williamson, Paragraph 0099, i.e., *Through the user interface, users*

can then search program data for content that matches the criteria in a user's profile

and return the results to the user's lists of Favorite programs; Willis, Paragraph 0003,

i.e., *Such sites are generally known as **"portal**s," and provide a central gateway through*

which users can be presented with options and links to various information sources. In

*this way, users can check, for example, their **stocks, mail, local weather, sports***

***scores, and movie listings**; Paragraph 0015, i.e., In another implementation, a system*

combines the concepts of the portal and personalized content with other delivery

channels, such as, for example, telephone, radio, and television; Paragraph 0088, i.e.,

Articles may be, for example, text, video, audio, HTML, or another available rendering

medium, or a combination of two or more of these media. Articles may contain the same

piece of content in multiple forms, and may permit generation of one type of content

from another, as discussed below; and Paragraph 0094, i.e., *One type of router that is*

capable of performing the functionality of content-based router 130 is known as Elvin

and is produced by the Distributed Systems Technology Centre (DSTC). Other types of

content-based services include Gryphon, produced by International Business Machines

(IBM), and Keryx, a Java-notification service by Hewlett Packard), **"the searching**

being in accordance with a user purchase history" (Willis, Paragraph

0004, i.e., *"Other techniques exist that attempt to provide users with content that will be*

of particular interest to each user. For example, web sites may track items such as

books and Digital Video Disks ("DVDs") based on attributes of such items, such as title,

author, performer, and genre. **By tracking _previously -purchased_ books and DVDs,**

registered users may be presented with a web page offering items with similar

attributes") and

      "displaying results of the search" (Williamson, Figures 12, 13, and 14,

and Paragraph 0079).

4.   Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Williamson in view of Willis and further in view of Sherr et al., (hereinafter "Sherr", U.S.

Patent Application Publication Number 2002/0154157).

      As per claim 26, Williamson in view of Willis teaches the limitations:

"receiving, by a processor and from a user a user profile which

identifies preferred media distribution sources" (Williamson, Paragraph

0102, i.e., *Referring to FIG. 16, a user may create a new profile by using select key 960*

of remote control 900 to select the "Create New **Profile***" link from Favorites submenu*

1420 to display search parameters from which a user may choose (1450). These

parameters may include programming category, actor(s) name, program title, director,

keyword and the like; Paragraph 0102, i.e., *Similarly, a user may create a profile which*

provides a user access to all available programming on a certain topic. For example **a**

profile relating to cooking may include in-progress broadcasts, past broadcasts

and out-of-market cooking programs. *In such circumstances, the user may associate*

a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations",

etc.) and **access each of the multiple profiles at different times**; *and Paragraph*

0084, i.e., .. My Shows GUI 1100B lists several categories to assist a user in locating a

program through the My Shows feature. Some of these categories may be temporal in

nature; that is, a user's reserved programs may be categorized by those programs that

are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future)

or by the reservation date of the program. In one embodiment of the invention,

programs that are categorized by reservation date are listed in chronological order

beginning with shows that have been most recently reserved (1100C) or in reverse

chronological order);

"receiving, by the processor a search request from a user

including at least one search criteria" (Williamson, Paragraph 0099, i.e.,

Through the user interface, users can then search program data for content that

matches the criteria in a user's profile and return the results to the user's lists of Favorite

programs and 0135-0157, i.e. *A search may include one of these parameters or*

multiple parameters);

"searching, by a processor, a plurality of media distribution

source types for media content based on the at least one search

criteria and the user profile" (Williamson, Paragraph 0099, i.e., *Through the user*

interface, users can then search program data for content that matches the criteria in a

user's profile and return the results to the user's lists of Favorite programs and 0135-

0157, i.e. *A search may include one of these parameters or multiple parameters;* Willis,

Paragraph 0003, i.e., *Such sites are generally known as **"portals,"** and provide a central*

gateway through which users can be presented with options and links to various

*information sources. In this way, users can check, for example, their **stocks, mail, local***

weather, sports scores, and movie listings; Paragraph 0015, i.e., *In another*

implementation, a system combines the concepts of the portal and personalized content

with other delivery channels, such as, for example, telephone, radio, and television;

Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another*

available rendering medium, or a combination of two or more of these media. Articles

may contain the same piece of content in multiple forms, and may permit generation of

one type of content from another, as discussed below; and Paragraph 0094, i.e., *One*

type of router that is capable of performing the functionality of content-based router 130

is known as Elvin and is produced by the Distributed Systems Technology Centre

(DSTC). Other types of content-based services include Gryphon, produced by

International Business Machines (IBM), and Keryx, a Java-notification service by

Hewlett Packard);

"generating, by the processor from results of the searching, a

result page including a first section having information of the results

that applies to all of the media distribution source types from which

the results were obtained" (Willis, Figure 8, i.e., "*810: Four of our top*

customers in the Eastern Region have pending complaints" and Paragraph 0126,

i.e., *"The filtering, sorting, prioritizing, and paginating processes already described*

determine whether an article displayed in full size (for example, article 700 in section

810), simply as a link (for example, links within sections 820, 825, 830, 835, 840, and

850, which are show grouped together with similar articles), with a more "link" (not

show) that does not include any details but allows access to additional articles, or not at

all (in case there is no room on the screen). The rules under which the articles are

rendered generally take into accounts both subjective (that is , according to user

preferences) and objective (that is , according to the author) levels of importance

assigned to each article and its content); Note that **inks within sections 820, 825, 830,**

835, 840, and 850, which are show grouped together with similar articles maps "a

first section" of claim 26) , and, **"for each of the media distribution source**

types from which the results were obtained, a respective second

section having information specific to the respective media

distribution type, including all of the results obtained from the

respective media distribution source type" (Willis, Figure 8 and paragraph

127, i.e., *In Fig 8, the highest-ranking article occupies a central location. If two or more*

articles are categorized as highest ranking, then a number of options are available for

deciding how and whether to display them. Examples include: (i) one article could be

selected, at random or otherwise, (ii) all, or some, of the articles could be rotated in and

out of the page (which uses time slicing as well as real estate allocation), (iii) **if there is**

enough space, then all of the articles could be displayed, or at least part of each

of them, for example, by giving each article the same amount of space or

allocating space based on priority, *and (iv) one article could be selected for full, or*

primary display, and the others could be identified with links indicating title of the article

or with a "more" link"; Note that Figure 8 only one of a plurality of possible display

layouts. If there is enough space on the screen, the method and system of Willis

displays a first section containing similar articles grouped together as links (as in "**inks**

within sections 820, 825, 830, 835, 840, and 850, which are show grouped together

with similar articles" of the exemplary Figure 8) and all or part of each article would be

displayed in the second section, which are obtained from respective media distribution

source); and

"displaying the result page" (Figure 8 of Willis).

Williamson in view of Willis does not explicitly teach the limitation: "a fist section

having <u>generic</u> information of the results that applies to all of the media distribution

source types from which the results are obtained and <u>not including information that is</u>

<u>specific to any one of the media distribution source types</u>".

On the other hand, Sherr teaches the limitation:

"a fist section having <u>generic</u> information of the results that
applies to all of the media distribution source types from which the
results are obtained and <u>not including information that is specific to
any one of the media distribution source types</u>" (Sherr, Figure 9, i.e., *"914,
A romantic comedy about a sports agent who suddenly discovers his scruples"*; Note
that item 914 of Figure 9 of Sherr is a display section which includes generic information
of the search results; Item 902 of said Figure 9 shows "specific information" and "source
types" of reviews; Also note Paragraph 0094 of Sherr, i.e., *"A synopsis 914 of the
selected content item (such as a movie synopsis) may also be included on the focused
page 909*).

At the time the invention was made, it would have been obvious to a person of
ordinary skill in the art to modify the method of Williamson in view of Willis to add the
feature of including a section on a result page which shows generic information of the
search result(s) to the method of Williamson in view of Willis so that the resultant
method would comprise a fist section having generic information of the results that
applies to all of the media distribution source types from which the results are obtained
and not including information that is specific to any one of the media distribution source
types. One would have been motivated to do so in order to provide user interfaces
which are not only easy to operate but also provide distinguishable format, an
opportunity to obtain various types of information about content pieces, and a
inducement to select content pieces (Sherr Paragraph 0008).

5.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Williamson in view of Willis and further in view of Sheikh et al., (hereinafter "Sheikh",

U.S. Patent Application Publication Number 2002/0078382).

As per claim 29, Williamson in view of Willis as applied to claim 1 teaches the

limitations:

"receiving, by a processor and from a user a user profile which

identifies preferred media distribution sources" (Williamson, Paragraph

0102 and Paragraph 0102) "which are of a plurality of media distribution source types"

(Willis, Paragraphs 0003, 0088, and 0094);

"receiving, by the processor, a search request from a user

including at least one search criteria" (Williamson, Paragraph 0099, i.e.,

Through the user interface, users can then search program data for content that

matches the criteria in a user's profile and return the results to the user's lists of Favorite

programs);

"**searching, by a processor, the preferred media distribution**

sources for media content based on the at least one search criteria

and the user profile" (Williamson, Paragraph 0099, i.e., *Through the user interface,*

users can then search program data for content that matches the criteria in a user's

profile and return the results to the user's lists of Favorite programs);

"generating, by the processor, from the results of the searching"

(Willis, Paragraphs 0085, 0089, 0096, and 0110), "a schedule including scheduling

information regarding the media content of the returned results" (Williamson, Figures

12, 13, and 14, and Paragraph 0079); and **"displaying the schedule to the user"**

(Williamson, Figures 12, 13, and 14, and Paragraph 0079);

"periodically searching, by the processor, the plurality of media

distribution source types for media content, the periodic searching

being unconstrained by at least one of the at least one search criteria,

the user profile, and the identification of the preferred media

distribution sources of the user profile" (Willis, Paragraph 0085, i.e., *FIG. 1 is*

an example of a content presentation system including a system 100. In FIG. 1, external

information from an external information source 105 is received by a content generator

110, which generates a corresponding article. Many types of external information

sources 105 may be used, as will be discussed in more detail with respect to FIG. 2.

Also, content generator 110 may utilize various techniques for gathering and publishing

the information as discrete articles. For example, content generator 110 may utilize

software agents to gather appropriate information (agents are generally defined as

automatons running **"on a scheduled basis" and querying a data source for**

information and either producing or not producing content *based in part on the*

result of that query). Moreover, in other implementations, content generator 110 may be

included within system 100; Note that periodic querying of the method of Willis is not

constrained by user profile); **"based on the identification of the preferred**

media distribution sources of the user profile" (Williamson, Paragraph

0102, i.e., *Referring to FIG. 16, a user may create a new profile by using select key 960*

*of remote control 900 to select the "Create New **Profile**" link from Favorites submenu*

1420 to display search parameters from which a user may choose (1450). These

parameters may include programming category, actor(s) name, program title, director,

keyword and the like; Paragraph 0102, i.e., *Similarly, a user may create a profile which*

*provides a user access to all available programming on a certain topic. For example **a***

profile relating to cooking may include in-progress broadcasts, past broadcasts

and out-of-market cooking programs. *In such circumstances, the user may associate*

a descriptive name to the profile (such as "Weekend Programs", "My Cooking Stations",

*etc.) and **access each of the multiple profiles at different times**;* and Paragraph

0084, i.e., *.. My Shows GUI 1100B lists several categories to assist a user in locating a*

program through the My Shows feature. Some of these categories may be temporal in

nature; that is, a user's reserved programs may be categorized by those programs that

are in-progress (i.e., currently broadcast), upcoming (i.e., to be broadcast in the future)

or by the reservation date of the program. In one embodiment of the invention,

programs that are categorized by reservation date are listed in chronological order

beginning with shows that have been most recently reserved (1100C) or in reverse

chronological order) and

"responsive to a return of results by the periodic searching:

generating, from the results of the periodic searching" (Willis, Paragraphs

0085, 0089, 0096, and 0110), "the schedule" (Williamson, Figures 12, 13, and 14, and Paragraph 0079); and

"displaying the schedule to the user" (Williamson, Figures 12, 13, and 14, and Paragraph 0079).

Williamson in view of Willis does not explicitly teach the limitations: "if the searching returns results" and "if the searching does not return any results".

On the other hand, Sheikh teaches the limitations:

"if the searching returns results" (Sheikh, Paragraph 0053, i.e., *If no result is returned, the agent transport waits a set period of time and reexecutes the sensor in Step 620.* **If data is returned by the sensor***, the agent transport encrypts the result and writes the data to the disc on the host sensor in Step 624 for further treatment*) and

"if the searching does not return any results" (Sheikh, Paragraph 0053, i.e., **If no result is returned***, the agent transport waits a set period of time and reexecutes the sensor in Step 620. If data is returned by the sensor, the agent transport encrypts the result and writes the data to the disc on the host sensor in Step 624 for further treatment*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Williamson in view of Willis to add the feature of making a decision on whether a search returns results or not and performing actions based on said decision, as taught by Sheikh, to the method of Williamson in view of Willis, so that the resultant method would determine if the searching returns

results and if it does, would generate results and if it does not, it would keep on

searching periodically to obtain results. One would have been motivated to do so in

order to "monitor changes" (Sheikh, Paragraph 0009) (in data sources).

(10)   Response to Arguments

Referring to rejection of claims 1-25 and 27 under 35 U.S.C. 103(a), Applicant

argued that "*to reject a claim under 35 U.S.C. 103(a), the Office bears the initial burden*

of presenting a prima facie case of obviousness" (Appellant's argument, page 7 second

paragraph).

In response, it is pointed out that a prima facie case of obviousness is

established when the teachings from the prior art itself would appear to have suggested

the claimed subject matter to a person of ordinary skill in the art. Once such a case is

established, it is incumbent upon appellant to go forward with objective evidence of

unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

Appellant also argued that "*there must be some suggestion or motivation to*

modify or combine reference teachings" (Appellant's argument, page 7, third

paragraph).

In response, it is pointed out that at the time the claimed invention was made, it

would have been obvious to a person of ordinary skill in the art to modify the method of

Williamson to combine with the features of searching a plurality of media distribution

source types and searching results on periodic basis, as taught by Willis, so that the

combined method would comprise searching a plurality of media distribution source

types for media content on periodic basis and generate, from results of the searching, a schedule including scheduling information regarding the media content. One would have been motivated to do so in order to allow users to designate categories of information in which desired content may be presented (Willis, Paragraph 0003).

Appellant also argued that *"the prior art reference(s) must teach or suggest all of the claimed features"* (Appellant's argument, page 7 last paragraph).

In response, it is pointed out that Examiner has presented prior art reference(s) in the prior office actions, which teach each and every limitation of the claimed invention.

Referring to claims 1-7, 9-15, 18-22 and 24 (particularly to claims 1, 18, and 19), Appellant argued that *"Thus, claims 1, 18, and 19 provide novel and counter-intuitive features in which, in response to a search request, a schedule is generated including scheduling information regarding media content from a plurality of media distribution source types, which, it is noted, often are scheduled in different manners. For example, movie theatre schedules include gaps as compared to TV program schedules which are, for the most part, continuous. Neither Williamson et al. nor Willis et al., whether considered alone or in combination, disclose or suggest these features"* (Appellant's argument page 8, second paragraph). Particularly Appellant argued that *"In the Final Office Action, the Examiner admits that Williamson et al. does not disclose searching a plurality of media distribution source types for media content based on search criteria and a user profile""* (Appellant's argument, page 8 third paragraph).

Examiner respectfully disagrees all of the allegations as argued. Examiner, in

the Final Office Action stated that "Williamson does not explicitly teach the limitations: "a

plurality of distribution source types" and "generating, from results of the searching, (a

schedule including scheduling information regarding the media content)" (Final Office

Action, page 19 third paragraph). In the said Office Action, Examiner stated that "Note

that the limitation in the parenthesis is taught by Williamson in Paragraph 0079 and

Figures 12, 13, and 14", referring to the limitation in the parenthesis, i.e., "a schedule

including scheduling information regarding the media content". Therefore, Examiner

objects to Appellant's misquotation of Examiner's statement in the Final Office Action.

Nowhere in the Final Office Action states that *Williamson et al. does not disclose*

searching a plurality of media distribution source types for media content based on

search criteria and a user profile.

To set the record straight, Examiner would like to point out that Williamson

teaches "**searching for media content based on the at least one search criteria and**

the user profile" (Williamson, Paragraph 0084, i.e., *"A **My Shows** GUI provides **a user***

with a list of available programs that have been reserved by the user. In the case where

*multiple users in a household are served by a set-top terminal, **each user** may utilize*

*the My Shows GUI to create **his/her own list** of reserved programs. Referring to FIG.*

13, when a user reserves a program, the reserved program are listed in the "My Shows"

GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, the My

*Shows GUI **enables a user to find, sort and manage programs**, including reserved*

programs (i.e., programs that have already been reserved and are currently available

for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but

have yet to be broadcast) and recommended programs (i.e., programs that the system

reserves automatically based on user profile)" and see also Paragraph 0099, and

Paragraph 0102 and 0135-0157 of Williamson).

In addition, Appellant argued that *"Willis et al. do not disclose or suggest*

generating a schedule based on the filtered articles. Further Willis et al. do not disclose

providing its portal information responsive to search criteria" (Applicant's argument,

page 8, fourth paragraph).

In response it is pointed out that the claim language does not exactly recites

"generating a schedule based on <u>the filtered articles</u>". Examiner gives the broadest

reasonable interpretation to this statement, assuming that said statement refers to the

limitation "searching for media content based on the at least one search criteria and the

user profile", which is clearly taught by Williamson as cited above.

With respect to the argument that *"Further Willis et al. do not disclose providing*

its portal information responsive to search criteria" (Applicant's argument, page 8, fourth

paragraph), it is pointed out that the combination of Williamson in view of Willis teaches

said feature as follow: "generating a results information of a certain type gleaned from

the various filtered articles" (Willis, Paragraph 0085, i.e., *FIG. 1 is an example of a*

content presentation system including a system 100. In FIG. 1, external information

from an external information source 105 is received by a content generator 110, which

generates a corresponding article. Many types of external information sources 105 may

be used, as will be discussed in more detail with respect to FIG. 2. Also, content

generator 110 may utilize various techniques for gathering and publishing the

information as discrete articles. For example, content generator 110 may utilize

software agents to gather appropriate information (agents are generally defined as

*automatons running **"on a scheduled basis"** and querying a data source for*

information and either producing or not producing content based in part on the result of

that query). Moreover, in other implementations, content generator 110 may be included

within system 100; Willis Paragraph 0089, i.e., *In FIG. 1, then, an article reader 115*

accesses articles from content generator 110. Some articles may already include

attribute and content metadata information. If a particular article has no associated

metadata, a metadata enhancer 120 may be used to examine the content of the article

and generate metadata accordingly. Even if some information, such as attribute

information, is included with an article, metadata enhancer 120 may be used to further

enhance the article; Willis Paragraph 0096, i.e., *By accessing databases 135 and 140,*

*content-based router 130 is able **to filter articles which are restricted or are of no***

***interest with respect to a particular user**. The action of content-based router 130 thus*

*eases the burden on **a personalized article processor ("PAP") 145,** which has the job*

of individually prioritizing the remaining articles, based on a comparison of contents of

the user preference database 140 to the content and to the content metadata/attributes

of each article. See also Willis paragraph 0107 and Paragraphs 0129, 0262, and 0278.

Also see Paragraph 0110 of Willis, i.e., *a pool of articles from which a subset for each*

user will be drawn) and **"generate a schedule" (Williamson**, Figures 12, 13, and 14,

and Paragraph 0079, i.e., *For example, by pressing guide key 920 on remote control*

900 while viewing a program channel display 1010 in FIG. 12 (which may be a live or

played back TV show, movie, music video, service or the like), a user may access

interactive program guide 1020, **which includes program viewing window 1040,**

current time and channel indicator 1045*, program description box 1050, program grid*

1060 and menu display 1065) "results obtained from a searching a plurality of media

distribution source types" (Willis, Paragraph 0003, i.e., *Such sites are generally known*

*as "**portals**," and provide a central gateway through which users can be presented with*

options and links to various information sources. In this way, users can check, for

example, their **stocks, mail, local weather, sports scores, and movie listings***;*

Paragraph 0015, i.e., *In another implementation, a system combines the concepts of*

the portal and personalized content with other delivery channels, such as, for example,

telephone, radio, and television; Paragraph 0088, i.e., *Articles may be, for example,*

text, video, audio, HTML, or another available rendering medium, or a combination of

two or more of these media. Articles may contain the same piece of content in multiple

forms, and may permit generation of one type of content from another, as discussed

below; and Paragraph 0094, i.e., *One type of router that is capable of performing the*

functionality of content-based router 130 is known as Elvin and is produced by the

Distributed Systems Technology Centre (DSTC). Other types of content-based services

include Gryphon, produced by International Business Machines (IBM), and Keryx, a

Java-notification service by Hewlett Packard).

　　　　Therefore, the method of Williamson in view of Willis as a combination would

generate, from results of the searching (Willis), a schedule based on the filtered articles

(Williamson in view of Willis) from searching a plurality of media distribution source

types (Willis) and provide portal information responsive to search criteria (Willis).

Herein, note that claim language of claims 1, 18, and 19 <u>does not explicitly recite</u> what

Appellant emphatically argued, i.e., *"providing portal information responsive to search*

criteria" Applicant's argument, page 8, fourth paragraph).

This analysis and citation of pertinent parts of Williamson and Willis (above)

would answer Applicant's argument on page 9 first paragraph which states that *"such a*

modified system would not disclose or suggest the features of generating a schedule

from results of searching a plurality of media distribution source types, in which the

schedule includes scheduling information regarding the media content from the plurality

of media distribution source types".

Applicant also argued that *"one skilled in the art would not arrive at the features*

of any of claim 1, 18, and 19 based on the combination of Williamson et al. and Willis et

al. without an improper hindsight reconstruction based on Applicant's disclosure"

(Applicant's argument, page 13 second paragraph). In response to applicant's argument

that the examiner's conclusion of obviousness is based upon improper hindsight

reasoning, it must be recognized that any judgment on obviousness is in a sense

necessarily a reconstruction based upon hindsight reasoning. But so long as it takes

into account only knowledge which was within the level of ordinary skill at the time the

claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d

1392, 170 USPQ 209 (CCPA 1971).

Regarding the dependent claim which depend on independent claims 1, 18, and 19 (i.e., claims 2-7, 9-15, 20, 21, and 22), Appellant argued that said claims ultimately depend on the independent claims 1, 18, and 19, which the combination of Williamson in view of Will does not render unpatentable and, thus, are patentable (Appellant's arguments, page 10, second paragraph to fifth paragraph).

In response, it is pointed because the combination of Williamson in view of Will renders the independent claims 1, 18, and 19 unpatentable, any/all dependent claims of those independent claims are also unpatentable.

Referring to claims 8, Appellant states that "*claim 8 depends from claim 1 and is therefore allowable for at least the same reasons as claim 1*" (Appellant's argument, page 10, seventh paragraph).

In response, it is pointed because the combination of Williamson in view of Will renders the independent claims 1 unpatentable, claim 8 also unpatentable.

Referring to claims 23, Appellant states that "*claim 23 depends from claim 1 and is therefore allowable for at least the same reasons as claim 1*" (Appellant's argument, page 11, third paragraph).

In response, it is pointed because the combination of Williamson in view of Will renders the independent claims 1 unpatentable, claim 23 also unpatentable.

Referring to claims 25, Appellant states that "*claim 25 depends from claim 1 and is therefore allowable for at least the same reasons as claim 1*" (Appellant's argument, page 12, third paragraph).

In response, it is pointed because the combination of Williamson in view of Will

renders the independent claims 1 unpatentable, claim 25 also unpatentable.

Referring to claims 16 and 17, Appellant argued that *"claim 16 includes subject*

matter analogous to claim that of claims 1, 18, and 19 and is therefore patentable for at

least the same reasons set forth above in support of the patentability of claims 1, 18,

and 19" (Appellant's argument, page 12, sixth paragraph).

In response, it is pointed out that claim 16 is also unpatentable just claims 1, 18,

and 19 are for at leas the reason set for above.

As per claim, 17, Appellant argued that *"as for claim 17, which depends from*

claim 16 and therefore includes all of the features recited in claim 16, it is respectfully

submitted that the combination of Williamson et al. and Willis et al. does not render

unpatentable this dependent claim for the same reasons set forth above in support of

the patentability of claim 16" (Appellant's argument, page 12 last paragraph).

In response, it is pointed out that since claim 16 is unpatentable over the cited

art, claim 17, which depends from claim 17, is it not patentable.

Referring to claim 27 Applicant argued that *"Williamson et al. do not disclose or*

suggest a user viewing history, as provided for in the context of claim 27" (Appellant's

argument, page 13, fiftht paragraph).

In response, it is pointed out that Williamson in view of Willis teaches: *"a user*

viewing history" (Willis, Paragraph 0004, i.e., *"Other techniques exist that attempt to*

provide users with content that will be of particular interest to each user. For example,

web sites may track items such as books and Digital Video Disks ("DVDs") based on

attributes of such items, such as title, author, performer, and genre. **By tracking**

previously -purchased books and DVDs, *registered users may be presented with a*

web page offering items with similar attributes).

Referring to claim 26, Applicant argued that *"the referenced sections, where*

viewed alone or in combination, do not disclose a section having generic information

that applies to all of the media distribution source types from which the results were

obtained and not including information that is specific to any one of he media

distribution source type, as provided in the context of claim 26" (Appellant's argument,

page 14 first paragraph).

In response, it is pointed out that Williamson in view of Willis and further in view

of Sherr teaches the limitation as follows: On the other hand, Sherr teaches the

limitation: "a fist section having <u>generic</u> information of the results that applies to all of the

media distribution source types from which the results are obtained and <u>not including</u>

<u>information that is specific to any one of the media distribution source types</u>" (Sherr,

Figure 9, i.e., *"914, A romantic comedy about a sports agent who suddenly discovers*

his scruples"; Note that item 914 of Figure 9 of Sherr is a display section which includes

generic information of the search results; Item 902 of said Figure 9 shows "specific

information" and "source types" of reviews; Also note Paragraph 0094 of Sherr, i.e., *"A*

synopsis 914 of the selected content item (such as a movie synopsis) may also be

included on the focused page 909).

Referring to claim 29, Applicant argued that *"Claim 29 includes subject matter*

analogous to that of claim 1 and is therefore allowable at least essentially the same

reasons as claim 1" (Appellant's argument, page 15 fourth paragraph).

In response, Applicant is directed to the response regarding claim 1 above, which

clearly discusses how Williamson in view of Willis teaches the features in question.

In conclusion, for the above reasons, it is believed that the rejections should be

sustained.

(11)   Related Proceeding(s) Appendix

Copies of the court or Board decision(s) in the Related Appeals and

Interferences section of this examiner's answer are provided herein.

Respectfully Submitted,

/dennis myint/

Dennis Myint

Examiner, AU-2162

Conferences:
/John Breene/
Supervisory Patent Examiner, Art Unit 2162

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